

CHAPTER NO. 158

HOUSE BILL NO. 3282

By Representative Davidson

Substituted for: Senate Bill No. 3236

By Senator Graves

AN ACT to amend Chapter 207 of the Private Acts of 1996; and any other acts amendatory thereto, relative to the charter of the City of Greenbrier.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 207 of the Private Acts of 1996, and any other acts amendatory thereto, being the charter of Greenbrier, is amended by deleting such chapter in its entirety and substituting instead Sections 2 through 25 of this act to be the charter of the City of Greenbrier.

SECTION 2.

Act Constitutes City Charter

The City of Greenbrier, Tennessee, shall continue as a body politic and corporation by the name and style of Greenbrier, Tennessee, and this act shall constitute its complete charter. The City of Greenbrier shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever and shall have and use a common seal and change it at its pleasure.

Definitions

SECTION 3. As used in this charter the following words and terms shall have the following meanings:

(1) "Board" means the legislative body of the city, which shall be composed of the mayor and six (6) aldermen elected as provided in this charter.

(2) "Department head" means the city recorder, fire chief, superintendent of public works and other department heads appointed by the board and mayor.

(3) "Officer" means the mayor, aldermen, city attorney, city judge, and chief of police.

(4) "Wards" means a geographical subdivision of the municipality established for the purpose of securing representation on the board.

Boundaries

SECTION 4. The boundaries of the city shall be those fixed by Chapter 436 of the Private Acts of 1937, and all acts amendatory thereto, and any annexation made pursuant to general law. The precise boundaries shall be kept on record by the city recorder.

Wards

SECTION 5. The city shall be divided into three (3) wards. Any existing act or ordinance dividing the city into three (3) wards shall continue in full force and effect until modified or changed, as herein provided and authorized. The city board of mayor and aldermen may from time to time alter, modify or change the boundaries of existing wards, or designate new boundaries thereof, by ordinance duly enacted. The number of wards shall not be increased or decreased, nor shall the boundaries be changed within sixty (60) days preceding an election.

Municipal Elections and Oath of Office

SECTION 6. The board of mayor and aldermen shall consist of a mayor, who shall serve a four-year term, and six (6) aldermen, who shall also serve four-year terms. The mayor shall be elected from the qualified electors of the city at large. The aldermen shall be elected two (2) from each of the three (3) wards by the qualified electors of each ward. To be eligible to hold the office of mayor or alderman of the city the person must be at least twenty-one (21) years of age and a resident of the city for at least one (1) year immediately preceding such person's election, and, in case of aldermen, a bona fide resident of the ward in which he or she is elected. If an elected official ceases to be a resident of the city or of the ward in which he or she was elected, the office shall become vacant.

Elections shall be held on the first Thursday in August consistent with the terms of the existing officers.

The mayor and each alderman shall take an oath that he or she will faithfully and impartially discharge the duties of his or her office to the best of his or her skill and ability without favor or impartiality.

Board of Mayor and Aldermen

SECTION 7. The mayor and aldermen shall comprise the board of mayor and aldermen, in which is vested all corporate, legislative and other powers of the city, except as otherwise provided in the charter. The board may determine its own rules or proceedings and prescribe punishment of members for non-attendance, or disorderly conduct, and enforce the same, pursuant to general law. A member may be removed from office for improper conduct while in office in accordance with the provisions of Tennessee Code annotated, Title 8, Chapter 47. It shall require a majority of its members to constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time. An ordinance may be adopted by the board of mayor and aldermen to compel the attendance of absent members.

Meetings

SECTION 8. The board of mayor and aldermen shall hold its meetings at such times as it may determine, not exceeding two (2) regular meetings per month, but special meetings of the board may be called by the mayor, or two-thirds (2/3) of the aldermen, by written notice, at any time when the public interest requires it. The purpose of the meeting shall be stated in the notice, and no business shall be entered upon or transacted at such special meeting except that which is mentioned in the notice.

Mayor

SECTION 9. The mayor shall preside at all meetings of the board of mayor and aldermen. He or she shall vote in all elections for officers of the city, and upon all questions coming before the board of mayor and aldermen where there is a roll call for the ayes and nays, and in all cases where there is a tie. He or she is also vested with all

the powers and duties of an alderman. It shall be the mayor's duty to see that all ordinances of the city are enforced. The mayor shall examine all ordinances passed by the board and should any of them not meet with his or her approval, he or she shall return the same to the next regular meeting of the board with his or her objections thereto in writing, and no law or ordinance so vetoed by the mayor shall go into effect unless the same be again passed by a two-thirds (2/3) vote of the whole number of the board of mayor and aldermen. The mayor shall sign all notes, bonds or other evidence of indebtedness, and all contracts of the city, to be attested by the recorder, and if the mayor shall refuse to sign any such contract or instrument, they shall become effective upon the signature of two-thirds (2/3) of the other aldermen of the city.

Ordinances

SECTION 10. No ordinance shall become a law without having been passed on two (2) readings by a majority vote of the board, both of which shall not be at the same meeting, and unless the same is passed over by the veto of the mayor. All ordinances shall begin by an enacting clause, as follows: "Be it enacted by the board of mayor and aldermen of Greenbrier, Tennessee" and shall at the end of the ordinance contain the provision, "This ordinance shall take effect from and after its passage, the welfare of the city requiring it". Otherwise the same shall not take effect until twenty (20) days after its passage.

Mayor's Powers

SECTION 11.

(a) The mayor shall have the power to make temporary appointments, to fill vacancies occasioned by sickness, absence or other disability of any city officer, and to suspend any city officer, except an alderman, for misconduct in office or neglect of duty, reporting his or her action with reasons therefor in writing to the next meeting of the board of mayor and aldermen for action. The mayor shall at least once in every three (3) months cause to be presented to the board of mayor and aldermen a complete statement of the financial condition of the city. The mayor shall from time to time communicate to the board such information, and suggest and recommend such measures, as may in his or her judgment tend to the improvement of the general interest of the city. The mayor shall perform such other duties as may be required by ordinance. The mayor shall have power to bid on property for the city at all tax and judicial sales when the city is a party. The board shall elect after each election, an alderman to the office of vice mayor, who shall serve as mayor when the mayor is absent or unable to discharge the duties of the mayor's office, and, in case of a vacancy in the office of mayor, until the next regular municipal election.

(b) In the absence of the mayor and vice mayor, the board may elect an alderman to act as presiding officer.

(c) Unless otherwise designated by the board by ordinance, the mayor shall perform the following duties or may designate a department head or department heads to perform any of the following duties:

(1) Approve all purchases of the city of all materials, supplies and equipment for the proper conduct of the city's business; provided, all purchases shall be made in accordance with policies, practices and procedures established by the board;

(2) Prepare and submit the annual budget and capital program to the board for their adoption by ordinance;

(3) Insure that all ordinances of the city are enforced; and

(4) Perform such other duties as may from time to time be designated or required by the board.

Legislative Powers

SECTION 12. The board of mayor and aldermen shall have full power and authority to:

(1) Levy and provide for the collection of taxes on all property subject to taxation;

(2) Levy and collect privilege taxes on businesses, occupations, trades and professions, and to levy and collect any other kind of tax not prohibited to cities by the constitution or general law;

(3) Appropriate and borrow money, and to authorize the expenditure of money for any municipal purpose;

(4) Acquire, purchase, receive, and hold real estate, personal and mixed property, with or without the city, for corporate purposes, and sell or dispose of such property for the benefit of the corporation;

(5) Employ and compensate such employees as it may deem necessary;

(6) Make regulations and laws to secure the general health of the inhabitants and to prevent, abate and remove nuisances, including, but not limited to, old or dilapidated buildings which are so out of repair as to be unsafe or unsanitary. The city shall have the power to abate and remove nuisances at the expense of the owner or owners, and the expense, including fines, penalties and interest, shall be secured by a lien upon the property for which the expenditure is made;

(7) Provide for the collection and disposal of garbage, rubbish and refuse and regulate the disposal of refuse in the city, in accordance with general law. These powers shall include, but not be limited to, the size and location of containers for such disposal and prohibition against disposal at unauthorized sites and the setting of fees for the disposal. Charges may be imposed to cover the costs of such service which, if unpaid, shall be collectible in the same manner as taxes or other debts;

(8) Establish and regulate a police department and fire department;

(9) Define, regulate and prohibit any act, practice, conduct or use of property, that would be detrimental to the health, morals, safety, security, peace or general welfare of inhabitants of the city;

(10) Establish minimum standards for and to regulate building construction and repair, electrical wiring and equipment, gas installations and equipment, fixed mechanical equipment, plumbing and housing, for the health, sanitation, cleanliness, safety and comfort of the inhabitants of the city, and to provide for the enforcement of such standards;

(11) Regulate, license and prohibit the keeping or running at large of animals and fowls, and to provide the impoundment of same in violation of any ordinance or lawful order, and to provide for their disposition by sale, gift or humane killing when not redeemed as provided by ordinance;

(12) Provide that the violation of any ordinance, rule, or regulation or order shall be punishable by fine, penalty or forfeiture up to the limits prescribed by general law;

(13) Plan for the orderly development of the community, including economic, physical, educational and cultural aspects, and to institute programs to effectuate such plans;

(14) Establish codes containing specifications of minimum standards for building, electric, fire safety, gas and plumbing of all structures, commercial or residential, within the community;

(15) Establish and regulate a municipal court in accordance with general law;

(16) Regulate the sale of beer within the municipality in accordance with general law;

(17) Regulate the operation of peddlers, solicitors, and yard sales within the community. These powers shall include, but not be limited to, the authority to issue permits and require such for the activities and limit the hours and locations of such;

(18) Prohibit offenses against the peace and dignity of the municipality including, but not limited to, disturbing the peace through loud and boisterous conduct, blowing of horns except as a warning or in case of emergencies, extraordinarily loud playing of radios or other apparatus for the replication of sound and limits on excessive noises near churches, schools or hospitals;

(19) Regulate the posting or erection of any sign, leaflet, or other notice;

(20) Regulate the uses of land in accordance with general law;

(21) Regulate the construction, maintenance, equipment, operation and service of public utilities, including, but not limited to, water and electrical supply, sewage and garbage disposal, streets, sidewalks, parking areas and recreational facilities and may compel reasonable extension of facilities for these services, and assess fees for the use or impact upon these services;

(22) Regulate the use of water within the municipality in accordance with general law. Such powers shall include, but not be limited to, the requirement of an application for service, the establishment of temporary service charges and connection fees, extension of water and sewer services, use of meters, requirements for billing and payment of bills, inspections and access to premises for inspections, penalties for unauthorized use of service and schedules of rates of services;

(23) Regulate the use of sewers and the discharge of wastewater within the community pursuant to the laws of the State of Tennessee and the United States. Such powers shall include, but not be limited to, the establishment of

permits, fees and billing procedures, requirement of connection to public sewers if such service is offered, regulations and specifications for private domestic wastewater disposal if the public sewer service is unavailable, industrial monitoring and inspection, rules on the content and amount of discharge and enforcement and abatement of cases of violations of such provisions;

(24) Make contracts with any person, firm, association, or corporation, for public utilities and public services to be furnished the city and those therein. Such power to make contracts shall embrace the power, expressly conferred, to make exclusive contracts; and when an exclusive contract is entered into, it shall be exclusive not only against any other person, firm, association or corporation, but also against the city itself. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer. Except as to public utilities regulated by any state or federal agency having jurisdiction in such matters, the board of mayor and aldermen may prescribe in each such contract entered into, the rates, fares, charges and regulations that may be made by the person, firm, association, or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the city at the date of the contract and as the corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and thoroughfares and to any other streets, alleys and other thoroughfares thereafter may be open;

(25) Determine the number of standing committees, the number of members of which each committee shall be composed and shall designate the character and duties of each. Each committee shall be composed of one (1) alderman from each ward. The mayor shall appoint the committees, of which members may be allowed compensation in addition to their salaries as aldermen, for actual services rendered by them as such chairmen;

(26) Exercise and have all other powers, functions, rights, privileges and immunities granted by general law or necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals and general welfare of the city and its inhabitants, and all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were enumerated herein. No enumeration of particular powers in this charter shall be held to be exclusive of others nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to cities by the constitution or general law; and

(27) Make special assessments for local improvements including, but not limited to, construction, improvement, or re-improvement of any street, avenue, alley, highway, or other public place within the city limits as provided by general law.

Vacancies

SECTION 13. A majority of the board of mayor and aldermen shall be a quorum to do business, and if the mayor or any alderman shall die, resign or move out of city, and in case an alderman should move out of his or her ward, his or her office shall become vacant, and the vacancy shall be filled temporarily by the board of mayor and aldermen at its next meeting, or as soon thereafter as may be possible, such person so elected to fill such vacancy to be eligible as herein provided. Any appointed officer shall fill the remainder of the unexpired term, but any portion of an unexpired four-year term for alderman or mayor that remains beyond the next municipal election shall be filled by the

voters at that election, if the vacancy occurs at least twenty (20) days before the latest time for filing nominating petitions for candidates in that election.

Interest in Contracts Prohibited

SECTION 14. No member of the board of mayor and aldermen or other officer or employee of the city shall enter into, or be interested in, either directly or indirectly, any contract for supplies to be furnished any department of the city government or any contract in which the city is interested.

City Recorder

SECTION 15. The city shall appoint a city recorder, who also may be appointed to the position of treasurer. The recorder or the recorder's designee shall be present at all meetings of the board, and keep a full and accurate record of all business transacted by the board to be preserved in permanent form. The recorder or the recorder's designee shall have custody of, and preserve in the recorder's office, the city seal, all public records, original rolls of ordinance, ordinance books, minutes of the board, contracts, bonds, title deeds, certificates, and papers, all official indemnity or security bonds (except the recorder's bond which shall be in the custody of the mayor), and all other bonds, oaths and affirmations and all other records, papers, and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates and contents, and keep an accurate and modern index of such material. The recorder shall provide, copy, and when required by any officer or person, certify copies of records, papers and documents in the recorder's office. Fees for copying and certification shall be charged as established by ordinance. The books and accounts kept by the recorder shall be subject to the inspection of the public and audited by direction of the board of mayor and aldermen, and, when necessary, the board of mayor and aldermen may provide clerical assistance for the recorder.

The board shall require a good and solvent bond of the recorder, to be approved by the board, sufficient in amount to cover all monies and other properties that come, or may come, into the hands of the recorder, the bond to be conditioned to faithfully perform the duties of recorder and to faithfully account for and pay over according to law all monies and other properties that shall come into his hand. The term of office of the recorder shall be for the life of the term of the members of the board of mayor and aldermen who elected him.

Treasurer

SECTION 16. The board of mayor and aldermen shall appoint a treasurer or may appoint the recorder as treasurer. The treasurer shall receive all monies, funds and revenues of the city, and safely keep the same until disbursed in accordance with the provisions of this act and such valid ordinances as may be passed by the board of mayor and aldermen.

All monies, funds, and revenues of every nature whatsoever, belonging to, collected by, or for, the city shall, without delay, be paid over to the treasurer or the city, and no disbursement of any kind shall be made except through the treasurer. The treasurer shall keep a record of all receipts and disbursements of each department of the city. The treasurer shall keep a detailed account of all monies, funds, or revenues received by him, showing the source from which the same was derived as reported to him. The treasurer shall disburse only as authorized by the mayor in accordance with this act. The treasurer shall render monthly statements to the board of mayor and aldermen of the receipts and disbursements of his office, and the report shall be filed by the recorder in the recorder's office.

Before entering upon the discharge of the duties of his office, the treasurer-elect shall take an oath to faithfully discharge the duties of the office, and also, a good, solvent and sufficient bond, with approved security, to faithfully discharge the duties of his or her office to the best of his or her skill and ability, and to receive, safely keep and disburse and pay over the monies, funds, revenues, and other property entrusted to the treasurer-elect's keeping according to law.

Removal of Treasurer

SECTION 17. The treasurer may be removed at the pleasure of the board, or the board may remove the duties of the treasurer from the city recorder at its discretion.

Salaries

SECTION 18. For the mayor and aldermen who take office after the effective date of this act, the salary of the mayor shall be four hundred dollars (\$400) per month, and that of each alderman one hundred twenty dollars (\$120) per month. The salaries of all other officers, agents, and servants of the city shall be fixed by the board of mayor and aldermen, and the board shall have power to require of them such bonds as it may prescribe.

Municipal Court and Judge

SECTION 19. There is created for the city a municipal court and the office of municipal judge. The municipal judge shall be appointed by the board of mayor and aldermen to serve at the will of the board or for such term, not to exceed two (2) years, as the board may fix at the time of appointment. No person shall be eligible for the office of municipal judge who is not at the time of this appointment twenty-five (25) years of age, a citizen of the state, have obtained a juris doctor degree from an accredited school, and a qualified voter of the state. The municipal judge shall be vested with jurisdiction, power and authority and it shall be his or her duty to hear and determine all charges of violation of the ordinances of the city, to impose penalties for the violations of such ordinances, to preserve and enforce order in this court, and to enforce the collection of all penalties imposed by him or her as allowed under state law. The municipal judge shall keep a docket in which shall be entered all cases heard or determined by him for offenses against the laws and ordinances of the city, and shall make and enter a minute in each case of all orders or judgments rendered or pronounced by him or her in each case. All fines collected shall be paid directly to the treasurer, and the treasurer shall make a report to the board showing fines collected, when and for what offense.

The defendant, in all cases heard and determined by the municipal judge as provided in the foregoing section, shall have the right of appeal to the circuit court of Robertson County, Tennessee, upon giving bond and security for the payment of such fine, or giving with the security in the sum of one hundred dollars (\$100) for his or her appearance at the term of the circuit court. The circuit court will try the case de novo.

Chief of Police

SECTION 20. The chief of police shall be the chief law enforcement officer of the city. He shall arrest persons violating any of the criminal laws of the state. The chief shall have all the powers, authority, duty and jurisdiction within the corporate limits of the city as to all processes in criminal cases that sheriffs have. The chief of police shall do and perform such duties and make such reports as may be required of him or her by the board of mayor and aldermen not inconsistent with the provisions of the act. The chief of police and all other police officers of the city shall have all the authority and jurisdictional limits as provided by general law.

Contracts and Purchasing

SECTION 21. No purchase, lease or lease-purchase calling for an expenditure exceeding three thousand five hundred dollars (\$3,500) shall be awarded until after advertisement for one (1) week in the way or manner to be prescribed by the board for sealed bids, and then shall go only to the lowest and best bidder, who shall execute a good and solvent bond. All purchases, leases, or lease-purchases, with expenditures of less than three thousand five hundred dollars (\$3,500) but more than two thousand five hundred dollars (\$2,500) in any fiscal year may be made in the open market without public advertisement, but shall, whenever possible, be based upon at least three (3) competitive bids. But in the case of an emergency, an amount not to exceed eight thousand dollars (\$8,000) may be spent with the approval of the mayor without such advertisement. Purchases, leases, or lease-purchases of two thousand five hundred dollars (\$2,500) or less in any fiscal year shall not require any public advertisement or competitive bidding.

Public Records

SECTION 22. All public records, books and accounts of the city shall be open for inspection by the public and audited at the discretion of the board. The board may by ordinance establish reasonable procedures and fees for copying and certification of public records.

Removal from Office and Recall Elections

SECTION 23. The holder of any elective office of Greenbrier, Tennessee, may be removed from office in accordance with the general law provisions found in Tennessee Code Annotated, Title 8, Chapter 47. A recall election may be held in accordance with the general law provisions found in Tennessee Code Annotated, Section 2-5-151.

Existing Ordinances

SECTION 24. All valid ordinances of the board of mayor and aldermen and of the commissioners of Greenbrier, Tennessee, now in force, not inconsistent herewith, shall be and remain in full force and virtue; and all legal and subsisting bonds, taxes, assessments, obligations, liabilities, actions, claims, contracts, and prosecutions, arising under the charter of the city, in force at the time of the passage hereof, shall remain and continue in full force and effect, and the board of mayor and aldermen shall remain and control of all the property and assets of the city, and administer the same for the city, under the provisions of this act, and shall assume and discharge all legal and subsisting obligations arising under the former charter.

Severability

SECTION 25. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Ratification

SECTION 26. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the city of Greenbrier. Its approval or nonapproval

shall be proclaimed by the presiding officer of the city and certified to the secretary of state.


SECTION 27. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 26.

PASSED: June 19, 2002


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of June 2002


DON SUNDQUIST, GOVERNOR